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25763 7590 10/15/2008 DORSEY & WHITNEY LLP INTELLECTUAL PROPERTY DEPARTMENT SUITE 1500 50 SOUTH SIXTH STREET MINNEAPOLIS, MN 55402-1498				
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VU, BAID				
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10/15/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/604,906

**Applicant(s)**

VON GROLL, GOETZ

**Examiner**

Bai D. Vu

**Art Unit**

2165

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant has amended claims 1-6 in the amendment filed on 07/18/2008.  
Claims 1-6 are pending in this office action.

### ***Response to Arguments***

2. Applicant's arguments filed on 07/18/2008 with respect to claims 1-6 have been considered but they are moot in view of the new ground(s) of rejection.

#### **Regarding to the 102(e) rejection:**

- Applicant argued that Katz et al. (US Pub. No. 2002/0174000 A1) does not disclose or teach "analyzing the at least two searches by taking into account additional data including data being provided from a different source than said database or network of articles, the additional data being the data that facilitates normalization of quantitative search results and comparisons between the objects in the quantitative analysis" as amended in claim 1.  
In response to applicant's argument, examiner respectfully disagrees because Katz et al. discloses the limitations as follows:

"analyzing the at least two searches by taking into account additional data including data being provided from a different source than said database or network of articles," as cited herein *VCI system 28 is an enterprise system that*

*preferably collects, analyzes and integrates data from a plurality of data sources internal to an enterprise with data from a plurality of data sources external to an enterprise, enabling users to leverage market and supply chain conditions to make better decisions about sourcing and procurement (§ 0039 lines 3-9); and analysis services 78 may be customized based on user-defined criteria. For instance, a client may request risk analysis, involving applications associated with analysis services 78 to provide a plurality of analyses, such as model and forecast revenues based on inventory levels, demand forecasts, market pricing, availability of constituent parts, etc. Such analyses are functions of modules in VCI system 28 (which is described in more detail below); the modules implement a plurality of data and analysis tools, which offer solutions to domain-specific problems. Analysis services 78 thus examine and analyze a plurality of discovered data, such as contract terms, performance metrics, current inventories, surplus and shortages, warehouse locations, etc., and produce one or a plurality of reports based on the subsequently analyzed data. For example, internal data 30 and external data 32 may be analyzed by one or more modules to assess the impact or potential impact of internal data 30 and external data 32 on procurement decisions, sourcing decisions and/or strategic sourcing decisions in the enterprise with respect to one or more items. Accordingly, analysis services selects from one or more user-defined parameters for internal data 30 and external data 32 (i.e., allow user control over the parameters on which the analysis will be based), selecting values, value ranges, and/or conditions for the*

*user-defined parameters, establishing weight(s) or relative weight(s) for the user-defined parameters, and/or prioritizing weight(s) or relative weight(s) for the user-defined parameters. In accordance with preferred embodiments, the resulting data of analysis services 78 are then preferably reintegrated back into data mart 74 (¶ 0053 lines 4-34).*

*"the additional data facilitating normalization of quantitative search results and" as cited herein internal data 30 is collected in internal data collection components 114, while external data 32 is simultaneously collected in external collection components 116. Both internal data 30 and external data 32 are normalized and transmitted to data integration components 118, where the aggregated data is stored into discovery database 192 and analysis database 194, and analyzed in OLAP server 198 (¶ 0186 lines 2-8) wherein external data 32 (see FIG. 3A) interpreted as the additional data; and data stored in databases interpreted as quantitative results.*

*"comparisons between the objects in the quantitative analysis; and" as cited herein external data 32 typically has relevance beyond the particular enterprise (including the enterprise's competitors), and thus discovering and accessing such external data in a timely and intelligent manner can enable the enterprise to more timely make improved strategic decisions as compared to its competitors, thus providing substantial advantages, particularly, for example, in times of fluctuating prices, shortages due to emergencies and the like, discontinuations, etc (¶ 0043*

*lines 11-19*) wherein the competitors comparison clearly encompasses the claimed invention.

**Regarding to the 103 rejection:**

- Applicant argued that Adler (US Pub. No. 2002/0169658 A1) fails to remedy the deficiencies of Katz et al. as Adler does not disclose or teach the discussed quantitative analysis as recited in claim 1.

In response to applicant's argument, examiner respectfully disagrees because Katz et al. discloses the limitations of claim 1 as discussed above. Thus, the rejection under 103(a) to claims 2 and 6 is maintained. See the rejection as discussed below in this office action.

Claims 3-5 depend from claim 1 are rejected as being anticipated by Katz et al. (US Pub. No. 2002/0174000 A1).

Claims 2 and 6 depend from claim 1 are rejected as being obvious over the teachings of Katz et al., and further in view of Adler (US Pub. No. 2002/0169658 A1).

In light of the foreground arguments, the 35 U.S.C. 102 and 103 rejections are hereby sustained.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claim 1** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

In claim 1, the added limitations “analyzing the at least two searches” in line 8; “normalization of quantitative search results” in line 10; and “displaying the quantitative search results” in line 13, contain subject matter which was not described in the instant specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In the remarks dated on 7/18/2008, applicants especially indicated that “normalization of quantitative search results” is supported in ¶¶ 0002 – 0003; however, examiner has not seen a clear connection between above feature and the cited portion.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1 and 3-5** are rejected under 35 U.S.C. 102(e) as being anticipated by Katz et al. (US Pub. No. 2002/0174000 A1).

As per **claim 1**, Katz et al. discloses "a method of quantitative analysis of communication performance for reputation management," as cited herein *analysis services 78 performs quantitative and qualitative analysis on the data results of discovery services 76 via a plurality of algorithms (§ 0053 lines 2-4)* "comprising the steps of:"

"(i) Performing a computerised set of at least two searches in a database or a network containing articles, each search comprising an object of interest related to said communication performance or objects to be compared to said object of interest," as cited herein *FIG. 7B is an architectural diagram illustrating preferred embodiments of the external data collection components 116 of exemplary VCI system 28. External data collection components 116 search, extract and transform external data (i.e., part catalogs, prices, availability, lead time, compatible parts, specifications, etc.) from a plurality of sources of external data 32, such as databases and Internet sources. External data 32 may be received across a network similar to how internal data 30 is received, but external data 32 may also be received in a plurality of other formats, such as via CD-ROM, ZIP disk, floppy disk, catalog (in hard copy), brochure (in hard copy), etc. Databases, such as subscription database 152, product database 154, and marketplace database 156, preferably contain external data 32 from one source or a plurality of sources. External data sources, such as Internet sources 158-162, preferably*



*contain external data 32, which may be extracted from one or a plurality of web sites, depending upon data requirements and user requests. External data collection components 116 of VCI system 28 is comprised of a plurality of Internet sources 158-162, subscription database 152, product database 154, marketplace database 156, a plurality of extract modules 164-174, and a plurality of transform modules 176-186 (¶ 0196); and internet sources 158-162 preferably consist of a plurality of web sites that contain a plurality of external data 32, such as specifications, part descriptions, product reviews, news, reports, etc., and serve as sources for searching and extracting non-proprietary data (¶ 0204 lines 6-10) wherein searching, extracting and transforming external data from a plurality of sources, such as databases and Internet sources, interpreted as performing a set of at least two searches; and the internal data and the external data interpreted as objects "at least one search term to be searched in a publication and optionally one or more attributes concerning the publication itself;" as cited herein news stories relating to a part, its part family and the product category to which it belongs. Preferably such news stories are categorized in the user interface of VCI system 28 in a product hierarchy, with each subcategory in the product hierarchy showing the stories (or links to the stories) that are relevant to the parts in that particularly category. Moreover, the news stories may preferably be searched, filtered, or organized in the user interface of VCI system 28 by date, geographic location, or according to the companies to which the news stories relate (¶ 0115 - 0116) wherein news stories interpreted as search terms; and date, geographic location interpreted as attributes.*

"(ii) Analyzing the at least two searches by taking into account additional data including data being provided from a different source than said database or network of articles," as cited herein *VCI system 28 is an enterprise system that preferably collects, analyzes and integrates data from a plurality of data sources internal to an enterprise with data from a plurality of data sources external to an enterprise, enabling users to leverage market and supply chain conditions to make better decisions about sourcing and procurement* (§ 0039 lines 3-9); and *analysis services 78 may be customized based on user-defined criteria. For instance, a client may request risk analysis, involving applications associated with analysis services 78 to provide a plurality of analyses, such as model and forecast revenues based on inventory levels, demand forecasts, market pricing, availability of constituent parts, etc. Such analyses are functions of modules in VCI system 28 (which is described in more detail below); the modules implement a plurality of data and analysis tools, which offer solutions to domain-specific problems. Analysis services 78 thus examine and analyze a plurality of discovered data, such as contract terms, performance metrics, current inventories, surplus and shortages, warehouse locations, etc., and produce one or a plurality of reports based on the subsequently analyzed data. For example, internal data 30 and external data 32 may be analyzed by one or more modules to assess the impact or potential impact of internal data 30 and external data 32 on procurement decisions, sourcing decisions and/or strategic sourcing decisions in the enterprise with respect to one or more items. Accordingly, analysis services selects from one or more user-defined parameters for internal data 30 and external data 32 (i.e., allow user control over the parameters on*

*which the analysis will be based), selecting values, value ranges, and/or conditions for the user-defined parameters, establishing weight(s) or relative weight(s) for the user-defined parameters, and/or prioritizing weight(s) or relative weight(s) for the user-defined parameters. In accordance with preferred embodiments, the resulting data of analysis services 78 are then preferably reintegrated back into data mart 74 (§ 0053 lines 4-34).*

*"the additional data facilitating normalization of quantitative search results and" as cited herein internal data 30 is collected in internal data collection components 114, while external data 32 is simultaneously collected in external collection components 116. Both internal data 30 and external data 32 are normalized and transmitted to data integration components 118, where the aggregated data is stored into discovery database 192 and analysis database 194, and analyzed in OLAP server 198 (§ 0186 lines 2-8) wherein external data 32 (see FIG. 3A) interpreted as the additional data; and data stored in databases interpreted as quantitative results "comparisons between the objects in the quantitative analysis; and" as cited herein external data 32 typically has relevance beyond the particular enterprise (including the enterprise's competitors), and thus discovering and accessing such external data in a timely and intelligent manner can enable the enterprise to more timely make improved strategic decisions as compared to its competitors, thus providing substantial advantages, particularly, for example, in times of fluctuating prices, shortages due to emergencies and the like, discontinuations, etc (§ 0043 lines 11-19) wherein the competitors comparison clearly encompasses the claimed invention.*

"(iii) Displaying the quantitative search results of analyses as graphs" as cited herein *services and applications server 202 provides a plurality of functional applications that make decisions about VCI services, such as inventory levels, demand forecasts, contract commitments, spot market analysis, etc., based on the integration of internal data 30 and external data 32. Services and applications server 202 then sends the resulting data to the end user via VCI user interface 208. VCI user interface 208 displays the integrated data, facilitating the user in making strategic and tactical decisions (§ 0053 lines 10-19); and VCI user interface 208 preferably consists of a plurality of customizable objects and windows, which may be configured to display graphs, charts, tables, pop-up windows, text boxes, check boxes, status bars, etc. Each customizable object or window may be predefined or modified according to user needs, and may display a customized user interface that integrates a plurality of internal and external data. VCI user interface 208 may be accessed with a web browser via a PC, laptop, handheld WAP device, etc (§ 0226).*

As per **claim 3**, Katz et al. discloses "the method of quantitative analysis of communication performance as set forth in claim 1 wherein said object of interest is a company, brand or product name or category, governmental or non-governmental organisation, person or issue of general interest or public policy" as cited herein *external data 32 preferably consist of data that exist outside the customer's enterprise system (typically having relevance to the enterprise and competing and other enterprises, such as product offerings that are generally available or news events of general relevance to*

*participants in particular industries, etc.) that are retrieved from a plurality of sources, such as suppliers, potential suppliers, product databases, electronic catalogues, online marketplaces, etc (¶ 0040 lines 20-28).*

As per **claim 4**, Katz et al. discloses "the method of quantitative analysis of communication performance as set forth in claim 1, wherein said data being provided from a different source relates to financial data of company, product line, marketing and PR budget" as cited herein *VCI system 28 preferably includes applications and components that integrate internal data 30, external data 32, planning functions 34, and execution functions 36. Internal data 30 preferably consist of proprietary data (typically intrinsic or having particular relevance to the particular enterprise) that are retrieved from a plurality of customer enterprise systems, such as ERP systems, SCM systems, supply databases, internal parts databases, inventories, etc., which may exist across one or multiple business units within the enterprise (i.e., business units that manufacture different products that include common or similar components, etc.). External data 32 preferably consist of data that exist outside the customer's enterprise system (typically having relevance to the enterprise and competing and other enterprises, such as product offerings that are generally available or news events of general relevance to participants in particular industries, etc.) that are retrieved from a plurality of sources, such as suppliers, potential suppliers, product databases, electronic catalogues, online marketplaces, etc (¶ 0040 lines 9-28).*

As per claim 5, Katz et al. discloses "the method of quantitative analysis of communication performance as set forth in claim 1, further comprising the step of evaluating the positive, negative, and neutral tone of voice concerning said object of interest or said objects to be compared to said objects of interest of a plurality of retrieved publications by manually evaluating a statistically chosen sub-set thereof" as cited herein *VCI system 28 in accordance with the present invention integrates these functions and data, enabling users to access, analyze, evaluate, and execute operations in order to make strategic and tactical decisions about operations based on the range of available data (¶ 0041 lines 13-17); price forecasting module: This module preferably provides the user with recommendations for purchasing items from electronic markets by evaluating electronic market prices in real time depending on a plurality of enterprise-specific conditions, such as contract pricing for similar goods or the cost of carrying an inventory of the particular supply (¶ 0167 lines 1-7); BOM optimization module: This module preferably identifies critical components in a BOM by evaluating price relative to the total BOM cost, current inventory levels, published EOL dates, length of lead time, frequency of the part in stock being out, etc (¶ 0169 lines 1-5); and sell excess inventory module: This module preferably identifies opportunities to sell excess inventories by evaluating current inventory levels, demand forecasts, spot market prices, etc. and identifying incipient surpluses based on trend analysis, predictive modeling, etc (¶ 0172 lines 1-5).*

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 2 and 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz et al. in view of Adler (US Pub. No. 2002/0169658 A1).

As per **claim 2**, Katz et al. discloses “the method of quantitative analysis of communication performance as set forth in claim 1 further comprising the step of: Performing steps (i) and (ii) for articles published at different points in time” as cited herein *VCI system 28 preferably monitors external data sources 152 and 158 for such events, and extracts with extraction modules 164 and 166 news about the event, and stores the pertinent data, such as the type of event, date, time, manufacturer's name, location of the manufacturing facility, etc., in data mart 74 (¶ 0300 lines 2-7).*

Katz et al. does not explicitly disclose “displaying the results as a function of time”. However, Adler discloses as cited herein *another graphic display window may show cumulative aggregated metrics for the simulation model. FIG. 14 is a screen display of an exemplary plot window 140 in one embodiment of the invention. This window 140 may display cumulative sales in \$M 141 and cumulative number of trade transactions in 100s 142, through a single EMarketplace, while the window in FIG. 15 summarizes comparable cumulative sales 151 and trade 152 statistics over time for an*

*industrial Market in which two B2B EMarketplaces are competing with one another (¶ 0089).*

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Adler teaching of modeling and analyzing complex strategic business decisions into Katz et al. system in order to provide facilities to create, edit, and store decision contexts and scenarios persistently to a database. This allows models and scenarios to be retrieved and updated and refined for recurring use, allowing prior decisions to be revisited in light of current market data and learning from experience. The accuracy and credibility of simulated outcomes and analysis increases in a correspondingly incremental manner (Adler, ¶ 0049).

As per claim 6, Katz et al. does not explicitly disclose "the method of quantitative analysis of communication performance as set forth in claim 1, further comprising the step of counting and mapping frequency of most relevant words concerning said object of interest or said objects to be compared to said objects of interest of a plurality of retrieved publications by plotting most relevant words in conjunction with change of occurrence over time".

However, Adler discloses as cited herein *another graphic display window may show cumulative aggregated metrics for the simulation model. FIG. 14 is a screen display of an exemplary plot window 140 in one embodiment of the invention. This window 140 may display cumulative sales in \$M 141 and cumulative number of trade transactions in 100s 142, through a single EMarketplace, while the window in FIG. 15*



*summarizes comparable cumulative sales 151 and trade 152 statistics over time for an industrial Market in which two B2B EMarketplaces are competing with one another (¶ 0089).*

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Adler teaching of modeling and analyzing complex strategic business decisions into Katz et al. system in order to provide facilities to create, edit, and store decision contexts and scenarios persistently to a database. This allows models and scenarios to be retrieved and updated and refined for recurring use, allowing prior decisions to be revisited in light of current market data and learning from experience. The accuracy and credibility of simulated outcomes and analysis increases in a correspondingly incremental manner (Adler, ¶ 0049).

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

#### ***Contact Information***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bai D. Vu whose telephone number is 571-270-1751. The examiner can normally be reached on Mon - Fri 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chace can be reached on 571-272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bai D. Vu/  
Examiner, Art Unit 2165  
10/01/2008

/C. T. T./

Primary Examiner, Art Unit 2169

/Christian P. Chace/

Supervisory Patent Examiner, Art Unit 2165